

SSB 5130 - S AMD 249

By Senator Hargrove

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 71.09.250 and 2003 c 216 s 3 are each amended to read
4 as follows:

5 (1)(a) The secretary is authorized to site, construct, occupy, and
6 operate (i) a secure community transition facility on McNeil Island for
7 persons authorized to petition for a less restrictive alternative under
8 RCW 71.09.090(1) and who are conditionally released; and (ii) a special
9 commitment center on McNeil Island with up to four hundred four beds as
10 a total confinement facility under this chapter, subject to
11 appropriated funding for those purposes. The secure community
12 transition facility shall be authorized for the number of beds needed
13 to ensure compliance with the orders of the superior courts under this
14 chapter and the federal district court for the western district of
15 Washington. The total number of beds in the secure community
16 transition facility shall be limited to twenty-four, consisting of up
17 to fifteen transitional beds and up to nine pretransitional beds. The
18 residents occupying the transitional beds shall be the only residents
19 eligible for transitional services occurring in Pierce county. In no
20 event shall more than fifteen residents of the secure community
21 transition facility be participating in off-island transitional,
22 educational, or employment activity at the same time in Pierce county.
23 For each resident who participates in off-island activities, a
24 transportation route plan shall be developed by the department. The
25 department shall provide the Pierce county sheriff, or his or her
26 designee, with a list of the fifteen residents so designated, along
27 with their photographs and physical descriptions, and the list shall be
28 immediately updated whenever a residential change occurs. The Pierce
29 county sheriff, or his or her designee, shall be provided an

1 opportunity to confirm the residential status of each resident leaving
2 McNeil Island.

3 (b) For purposes of this subsection, "transitional beds" means beds
4 only for residents who are judged by a qualified expert to be suitable
5 to leave the island for treatment, education, and employment.

6 (2)(a) The secretary is authorized to site, either within the
7 secure community transition facility established pursuant to subsection
8 (1)(a)(i) of this section, or within the special commitment center, up
9 to nine pretransitional beds.

10 (b) Residents assigned to pretransitional beds shall not be
11 permitted to leave McNeil Island for education, employment, treatment,
12 or community activities in Pierce county.

13 (c) For purposes of this subsection, "pretransitional beds" means
14 beds for residents whose progress toward a less secure residential
15 environment and transition into more complete community involvement is
16 projected to take substantially longer than a typical resident of the
17 special commitment center.

18 (3) Notwithstanding RCW 36.70A.103 or any other law, this statute
19 preempts and supersedes local plans, development regulations,
20 permitting requirements, inspection requirements, and all other laws as
21 necessary to enable the secretary to site, construct, occupy, and
22 operate a secure community transition facility on McNeil Island and a
23 total confinement facility on McNeil Island.

24 (4) To the greatest extent possible, until June 30, 2003, persons
25 who were not civilly committed from the county in which the secure
26 community transition facility established pursuant to subsection (1) of
27 this section is located may not be conditionally released to a setting
28 in that same county less restrictive than that facility.

29 (5) As of June 26, 2001, the state shall immediately cease any
30 efforts in effect on such date to site secure community transition
31 facilities, other than the facility authorized by subsection (1) of
32 this section, and shall instead site such facilities in accordance with
33 the provisions of this section.

34 (6) The department must:

35 (a) Identify the minimum and maximum number of secure community
36 transition facility beds in addition to the facility established under
37 subsection (1) of this section that may be necessary for the period of

1 May 2004 through May 2007 and provide notice of these numbers to all
2 counties by August 31, 2001; and

3 (b) Develop and publish policy guidelines for the siting and
4 operation of secure community transition facilities.

5 (7)(a) The total number of secure community transition facility
6 beds that may be required to be sited in a county between June 26,
7 2001, and June 30, 2008, may be no greater than the total number of
8 persons civilly committed from that county, or detained at the special
9 commitment center under a pending civil commitment petition from that
10 county where a finding of probable cause had been made on April 1,
11 2001. The total number of secure community transition facility beds
12 required to be sited in each county between July 1, 2008, and June 30,
13 2015, may be no greater than the total number of persons civilly
14 committed from that county or detained at the special commitment center
15 under a pending civil commitment petition from that county where a
16 finding of probable cause had been made as of July 1, 2008.

17 (b) Counties and cities that provide secure community transition
18 facility beds above the maximum number that they could be required to
19 site under this subsection are eligible for a bonus grant under the
20 incentive provisions in RCW 71.09.255. The county where the special
21 commitment center is located shall receive this bonus grant for the
22 number of beds in the facility established in subsection (1) of this
23 section in excess of the maximum number established by this subsection.

24 (c) No secure community transition facilities in addition to the
25 one established in subsection (1) of this section may be required to be
26 sited in the county where the special commitment center is located
27 until after June 30, 2008, provided however, that the county and its
28 cities may elect to site additional secure community transition
29 facilities and shall be eligible under the incentive provisions of RCW
30 71.09.255 for any additional facilities meeting the requirements of
31 that section.

32 (8) In identifying potential sites within a county for the location
33 of a secure community transition facility, the department shall work
34 with and assist local governments to provide for the equitable
35 distribution of such facilities. In coordinating and deciding upon the
36 siting of secure community transition facilities, great weight shall be
37 given by the county and cities within the county to:

1 (a) The number and location of existing residential facility beds
2 operated by the department of corrections or the mental health division
3 of the department of social and health services in each jurisdiction in
4 the county; and

5 (b) The number of registered sex offenders classified as level II
6 or level III and the number of sex offenders registered as homeless
7 residing in each jurisdiction in the county.

8 (9)(a) "Equitable distribution" means siting or locating secure
9 community transition facilities in a manner that will not cause a
10 disproportionate grouping of similar facilities either in any one
11 county, or in any one jurisdiction or community within a county, as
12 relevant; and

13 (b) "Jurisdiction" means a city, town, or geographic area of a
14 county in which distinct political or judicial authority may be
15 exercised.

16 **Sec. 2.** RCW 71.09.275 and 2003 c 216 s 4 are each amended to read
17 as follows:

18 (1) If the department does not provide a separate vessel for
19 transporting residents of the secure community transition facility
20 established in RCW 71.09.250(1) between McNeil Island and the mainland,
21 the department shall:

22 (a) Separate residents from minors and vulnerable adults, except
23 vulnerable adults who have been found to be sexually violent predators.

24 (b) Not transport residents during times when children are normally
25 coming to and from the mainland for school.

26 (2) The department shall designate a separate waiting area at the
27 points of debarkation, and residents shall be required to remain in
28 this area while awaiting transportation.

29 (3) The department shall provide law enforcement agencies in the
30 counties and cities in which residents of the secure community
31 transition facility established pursuant to RCW 71.09.250(1)(a)(i)
32 regularly participate in employment, education, or social services, or
33 through which these persons are regularly transported, with a copy of
34 the department's approved transportation route plan and the court's
35 order of conditional release with respect to these persons.

36 (4) The department shall make a good faith effort to notify law
37 enforcement agencies in the counties and cities in which residents of

1 the secure transition facility regularly participate in employment,
2 education, or social services, or through which these persons are
3 regularly transported, of any deviation from the transportation route
4 plan."

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5 On page 1, line 2 of the title, after "facilities;" strike the
6 remainder of the title and insert "and amending RCW 71.09.250 and
7 71.09.275."

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